

A joint resolution proposing an amendment to the Constitution of the State of Texas; read second time, and, on motion of Mr. Taylor, referred to the committee on Education.

A bill to be entitled an act to amend an act to regulate proceedings in the district courts; read second time, and, on motion of Mr. Sublett, referred to the committee on the Judiciary.

Resolution of the Senate, that the 38th rule of the Senate be rescinded; read, and, on motion of Mr. Gage, referred to the committee on the Revision of Rules.

On motion of Mr. Paschal, the Secretary of the Senate was authorized to rent two rooms for the use of the committees, at a cost not to exceed twenty-five dollars per month for each.

On motion of Mr. Jowers, the Senate adjourned until 9 o'clock to-morrow morning.

TUESDAY, November 15, 1853.

The Senate was called to order by the President pursuant to adjournment—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. McDade presented the petition of James and W. C. Walker; referred to the committee on Public Lands.

Mr. Bryan presented the petition of James E. Black, William Sellers and Edward Walcott, praying for land; also, the petition of Romulus Flowers, asking for land, which were referred to the committee on Private Land Claims.

Mr. Gage, chairman of the committee on State Affairs, to which was referred a joint resolution to provide for amending the 30th section of the General Provisions of the Constitution, reported the same back to the Senate and recommended its rejection.

Mr. Gage, from the same committee, made the following report:

The committee on State Affairs, to which was referred a bill regulating mills and millers, have had the same under consideration, and have instructed me to return the same to the Senate, and recommend its passage, with an additional section as amendment, to come in as section 7, which is respectfully submitted, the chairman dissenting:

SECTION 7. Be it further enacted, That in the event any of the aforesaid mills or their owners or managers shall refuse to grind for the tolls of grain or money, as specified as aforesaid, and run their mills upon the system of exchanging flour for

wheat, and meal for corn ; in that event said owners or managers shall give thirty pounds of superfine flour and five pounds of common flour, and two pounds shorts to the bushel ; they shall give thirty pounds of rye flour per bushel for corn ; they shall give one measure of meal for one measure of corn.

Mr. Gage, chairman of the same committee, to which was referred a bill to change the time of the meeting of the biennial sessions of the Legislature, reported the same back to the Senate and recommended its rejection, the chairman dissenting.

Mr. Gage also made the following report :

The committee on State Affairs, to whom was referred a bill to be entitled an act to create the office of State Geologist, have had the same under consideration, and the committee being equally divided as to the propriety of the passage of the bill at this time, I have thought proper to return the bill to the Senate for its consideration, and ask to be discharged from any further consideration of the same.

Mr. Holland, chairman of the committee on Education, to which was referred a bill to incorporate the Sharon Union School, and a bill to amend an act to incorporate the Chappell Hill Male and Female Institute, reported the same back to the Senate and recommended their passage.

Mr. Bryan, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Medical Association of Texas, correctly engrossed.

Mr. Edwards, chairman of the committee on Printing and Contingent Expenses, made the the following report :

The committee on Printing and Contingent Expenses, to whom was referred a resolution of the Senate, instructing them to contract for the printing of the documents accompanying the Governor's Message, beg leave to report that after examining the various communications accompanying the Message, they are of the opinion that the public interest requires it, and the information contained in most of the accompanying documents is of such value that they have ordered the printing of five hundred copies for the use of the Senate.

Your committee would further recommend that copies of the report of the Treasurer, and also the report of the Superintendent of the Penitentiary, with a list of the convicts, be translated and printed in the German and Spanish languages for the use of the Senate.

All of which is respectfully submitted.

Mr. Potter, chairman of the committee on the Judiciary, made the following report :

The Judiciary committee have considered a bill to be entitled an act to amend the 26th section of an act concerning crimes and punishments. The object intended to be attained by the proposed amendment is to make the punishment for hog stealing the same as that denounced by the existing laws for the stealing of cattle, sheep, &c. As the law now stands, the punishment for hog stealing is stripes, while that for stealing goats, sheep, cattle, &c., is confinement to hard labor in the Penitentiary, not less than one nor more than seven years. The committee are of opinion that the punishment for these crimes should be placed upon the same footing, and that the punishment by stripes should be done away with. The committee have therefore directed me to return the bill to the Senate and recommend its passage, with the following amendment :

Amend, by striking out the second section.

Mr. Kyle, chairman of the committee on Roads, Bridges and Ferries, to which was referred a bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company, reported the same back to the Senate and recommended its passage.

Mr. Kyle, from the same committee, reported back to the Senate a bill to incorporate the Austin and Houston Turnpike Company, and recommended its passage, with the following amendment :

After the word years in the fourth section, add "*Provided* said company shall commence the construction of said road within six months from the passage of this act, and finish the same within five years from and after the passage of the same, and in the event said company shall fail to finish the same as specified in this act, then they shall forfeit this charter and all its privileges."

Mr. Weatherford offered the following resolution :

Resolved, That the committee on the Judiciary be instructed to inquire into the expediency of reporting a bill repealing the present probate law, and instituting a new one in its stead, in the shortest possible manner, with a less fee than is now allowed by law for winding up estates of deceased persons.

Mr. Armstrong introduced a bill confirming certain headright grants lying on the boundary of Robertson's and Austin's Little Colony, and a bill setting apart and reserving two leagues of land around each military post on the frontier, for the present use and occupancy of the United States troops ; which were read, each, a first time.

Mr. Guinn introduced a bill to amend the second section of an

act amending an act authorizing and requiring the county courts to regulate roads; read first time.

Mr. Potter introduced a bill to establish the Galveston, Houston and Henderson Railroad Company; read first time.

Mr. Holland offered the following resolution:

Resolved, That a committee be appointed on the part of the Senate to take into consideration the propriety of passing additional laws regulating the sale of spirituous liquors.

ORDERS OF THE DAY.

A bill to incorporate the Medical Association of Texas; read third time and passed by the following vote:

YEAS—Messrs. Allen, Armstrong, Bryan, Durst, Edwards, Guinn, Hill, Holland, Jowers, Kyle, Lott, Lytle, Martin, McDade, Newman, Paschal, Potter, Scarborough, Sublett, Superviele, Taylor and Wren—23.

NAYS—Messrs. Weatherford and Whitaker—2.

The report of the committee on Privileges and Elections, in relation to the contested seat of E. B. Scarborough; read.

Mr. Armstrong moved to lay the report on the table; lost.

Mr. Paschal moved to refer the report and accompanying documents to a committee of the whole; lost.

The report was then adopted.

A bill concerning weights and measures; read second time, and, on motion of Mr. Lott, referred to the committee on State Affairs.

A bill for the relief of Nathan N. G. Allen; read second time, and, on motion of Mr. Guinn, referred to the committee on Private Land Claims.

A bill to perpetuate and keep in force an act relinquishing to the counties the State tax for the years 1852 and 1853, approved February 13th, 1852, for the years 1854 and 1855; read second time, and, on motion of Mr. Holland, referred to the committee on Finance.

On motion of Mr. Gage, the rule requiring reports to lay on the table one day was suspended, and the reports made this morning taken up and placed among the orders of the day.

The report of the committee on State Affairs on a bill regulating mills and millers, offering an amendment thereto, was read and adopted.

Mr. Holland offered the following amendment:

“Provided, That no portion of this act has reference to or bearing upon any private mill or mills, the owners of which may wish to do their own grinding.”

On motion of Mr. Hart, the bill and amendments were referred to the committee on the Judiciary.

The report of the committee on State Affairs, on a bill to create the office of State Geologist; read, and, on motion of Mr. Lott, laid on the table.

The report of the committee on State Affairs, on joint resolution to provide for amending the 30th section of the General Provisions of the Constitution, recommending its rejection, was read.

Mr. Lott moved to lay the report on the table; lost.

Mr. Holland moved to make it the special order of the day for to-morrow.

The President decided the motion out of order, stating that the report of the committee recommending the rejection of the joint resolution, was equal to a motion to indefinitely postpone, and a motion to indefinitely postpone had precedence of a motion to postpone to a day certain; from which decision Mr. Holland appealed.

The decision of the Chair was sustained.

On motion of Mr. Sublett, the vote refusing to lay the report on the table was reconsidered, and, on motion of Mr. Lott, it was laid on the table.

The report of the committee on State Affairs, on a bill to change the time of the meeting of the biennial sessions of the Legislature, recommending its rejection, was read and rejected. The bill was then ordered to be engrossed by the following vote:

YEAS—Messrs. Bryan, Edwards, Gage, Guinn, Hill, Holland, Kyle, Lott, Lytle, Martin, McDade, Paschal, Potter, Scott, Superviele, Taylor and Whitaker—17.

NAYS—Messrs. Allen, Armstrong, Durst, Hart, Jowers, McAnelly, Newman, Scarborough, Sublett, Weatherford and Wren—11.

A bill to incorporate the Sharon Union School; read and ordered to be engrossed.

A bill to amend an act to incorporate the Chappell Hill Male and Female Institute; read and ordered to be engrossed.

A bill to incorporate the Black Cypress Bridge, Ferry and Turnpike company; read and ordered to be engrossed.

The report of the committee on Roads, Bridges and Ferries, on a bill to incorporate the Austin and Houston Turnpike Company, offering an amendment thereto, was read, amendment adopted, and bill ordered to be engrossed.

The report of the committee on Printing and Contingent Ex-

penses was read, and, on motion of Mr. Edwards, the blank was filled with 250. The report was then adopted.

The report of the committee on the Judiciary, on a bill to amend the 26th section of an act concerning crimes and punishments, offering an amendment thereto, was read, amendment adopted and bill ordered to be engrossed.

A message was received from the Governor, through his Private Secretary, which was, on motion of Mr. Potter, opened and read, and was as follows :

To the Honorable Senate :

GENTLEMEN : In compliance with the request of your honorable body, contained in a resolution received at this department on Saturday the 12th inst., I have the honor to transmit herewith the reports of Commissioners and Superintendent of the State Capitol and their accompanying vouchers, which have just reached this department.

In connection with the subject, I deem it proper to state to the Legislature through your honorable body, that the furniture intended for the State Capitol, which has been purchased by the Agent appointed by the department for that purpose, (Eli Kirk, Esq.,) is now arriving at this city, and I am informed that a considerable portion of it has been received and is in storage awaiting its final disposition.

P. H. BELL.

On motion of Mr. Lott, the message and accompanying documents were referred to the committee on Public Buildings.

Mr. Kyle presented the following communication :

NEW BRAUNFELS, 12th November, 1853.

To the Hon. CLAIBORNE KYLE, Austin :

DEAR SIR : The committee appointed by the citizens of New Braunfels to invite Gens. Thomas J. Rusk and Sam Houston to a public entertainment in this place, (which has been accepted by the former,) hereby beg leave to tender to yourself, and through you to the honorable members of the Senate, an invitation to a complimentary ball to be given here to Gen. Thomas J. Rusk, on Monday the 21st instant.

I have the honor to remain, dear sir,

Yours most respectfully,

JAS. FERGUSON, Sec. of Com.

Mr. Kyle offered the following resolution :

Resolved, That the thanks of the Senate be tendered to Mr. James Ferguson, and through him to the citizens of New Braun-

sels, for their polite invitation, the acceptance of which is respectfully declined ; adopted.

On motion of Mr. Taylor, the Senate adjourned until nine o'clock to-morrow morning.

WEDNESDAY, Nov. 16, 1853.

The Senate was called to order by the President pursuant to adjournment—roll called—quorum present.

The journal of yesterday read and adopted.

At the request of Mr. Scott, the Senate granted Mr. Armstrong leave of absence.

Messrs. Burks and Doane were excused from attendance on account of indisposition.

Mr. Durst presented the petition of John A. Vernon, asking to be reimbursed for extra guard to secure convicts sentenced to the penitentiary, which was referred to the committee on Finance ; also, the petition of Green Weaver, praying for a certificate for 320 acres of land ; referred to the committee on Private Land Claims.

Mr. Lott presented the petition of Rhodolphus and William Johnson, asking for land ; referred to the same committee.

Mr. Wren presented the petition of M. F. Valdes for relief ; referred to the committee on the Judiciary.

Mr. Paschal presented the petition of A. Morrell for relief, which was referred to the committee on Public Debt ; also, the petition of William Henry Dangerfield for relief ; which was referred to the committee on Public Lands.

Mr. Taylor, of the committee on Engrossed Bills, reported the following bills as correctly engrossed :

A bill to amend an act to incorporate the Chappell Hill Male and Female Institute ;

A bill to amend the 26th section of an act concerning crimes and punishments ;

A bill to change the time of the biennial meeting of the Legislature of the State of Texas ;

A bill to incorporate the Sharon Union School ; and

A bill to incorporate the Black Cypress Bridge, Ferry and Turnpike Company.

Mr. Jowers, chairman of the committee on Public Lands, to whom was referred a bill supplementary to an act entitled an act supplementary to an act for the relief of the citizens of Mercer's Colony, of February 2, 1850, reported back to the Senate a substitute therefor, and recommended its adoption.